

Michael J. Newton (State Bar No. 156225)
Katherine G. Rubschlager (State Bar No. 328100)

ALSTON & BIRD LLP

1950 University Ave, Suite 430
East Palo Alto, CA 94303
Telephone: (650) 838-2000
Facsimile: (650) 838-2001
mike.newton@alston.com
katerine.rubschlager@alston.com

Yuri Mikulka (State Bar No. 185926)
Caleb J. Bean (State Bar No. 299751)

ALSTON & BIRD LLP

333 South Hope Street, 16th Floor
Los Angeles, CA 90071
Telephone: (213) 576-1000
Facsimile: (213) 576-1100
yuri.mikulka@alston.com
caleb.bean@alston.com

*Attorneys for Defendant
Corning Optical Communications LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Dali Wireless, Inc.,

Plaintiff,

v.

Corning Optical Communications LLC,

Defendant.

Case No. 3:20-cv-06469-EMC

**DECLARATION OF KATHERINE G.
RUBSCHLAGER IN SUPPORT OF DALI'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

1 I, Katherine Rubschlager, make the following declaration:

2 1. I am an attorney licensed to practice law in the State of California. I am an Associate
3 at the law firm of Alston & Bird LLP and counsel for Defendant Corning Optical Communications
4 LLC (“Corning”). I am over 18 years of age and am competent to testify as to the matters set forth
5 herein. I make the following statement based on my own personal knowledge, unless expressly stated
6 otherwise.

7 2. I submit this declaration in support of Plaintiff’s Administrative Motion to File Under
8 Seal filed with Dali’s Opposition to Defendant Corning Optical Communications, LLC’s Notice of
9 Combined Motion to Strike and Motion to Dismiss Dali’s Willful Infringement Allegations
10 (“Opposition”) (Dkt. 159-3). Plaintiff’s Administrative Motion seeks to seal materials containing
11 information Corning identified as “Confidential” and/or “Confidential – Attorney’s Eyes Only” under
12 the Stipulated Protective Order (Dkt. 63).

13 3. Corning respectfully requests that the following document and/or information in
14 Dali’s Opposition be sealed:

16 Document	Portion to Be Sealed	Confidential Information in the Document
17 Dali’s Opposition	Yellow highlights	18 Descriptions regarding Corning’s business actions, analyses, and/or decisions.

19 4. Good cause and compelling reasons exist for sealing the above documents and/or
20 information, and I am not aware of a less restrictive alternative to sealing that would be sufficient.
21 The documents and/or information are confidential and contain competitively sensitive information,
22 including without limitation business strategies, customer relationship information, technical details,
23 and trade secret information related to Corning’s business and its products. Corning keeps this
24 information confidential and disclosure of this information to others may place Corning at a
25 commercial disadvantage in the future, adversely impact its business relationships and plans, and
26 cause it competitive harm. These are the types of documents and/or information that courts typically
27 seal. *See, e.g., Nixon v. Warner Commc’ns*, 435 U.S. 589, 598 (1978) (protecting “sources of business
28

1 information that might harm a litigant’s competitive standing”); *In re Elec. Arts, Inc.*, 298 F. App’x
2 568, 569 (9th Cir. 2008); *In re Google Location History Litig.*, 514 F. Supp. 3d 1147, 1162 (N.D.
3 Cal. 2021) (“Compelling reasons may exist to seal ‘trade secrets, marketing strategies, product
4 development plans, detailed product-specific financial information, customer information, internal
5 reports and other such materials that could harm a party’s competitive standing.”); *In re Apple Inc*
6 *Device Performance Litig.*, 2019 U.S. Dist. LEXIS 68121, at *19 (N.D. Cal. Apr. 22, 2019) (“Courts
7 applying the compelling reasons standard have upheld the sealing of trade secrets, marketing
8 strategies, product development plans, detailed product-specific financial information, customer
9 information, internal reports and other such materials that could harm a party’s competitive
10 standing.”); *Krieger v. Atheros Communs., Inc.*, 2011 U.S. Dist. LEXIS 68033, at *3-4 (N.D. Cal.
11 June 25, 2011) (granting sealing request of “long-term financial projections, discussions of business
12 strategy, and competitive analyses”).

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed on July 11, 2022.

16 /s/ Katherine G. Rubschlager

17 Katherine G. Rubschlager
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